



General Assembly

January Session, 2005

Substitute Bill No. 6767

* _____ HB06767JUD ___ 050405 ___ *

AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 20-66 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (2) "Physical therapy" means the evaluation and treatment of any
5 person by the employment of the effective properties of physical
6 measures, the performance of tests and measurements as an aid to
7 evaluation of function and the use of therapeutic exercises and
8 rehabilitative procedures, with or without assistive devices, for the
9 purpose of preventing, correcting or alleviating a physical or mental
10 disability. [Physical therapy] "Physical therapy" includes the
11 establishment and modification of physical therapy programs,
12 treatment planning, instruction, wellness care, peer review and
13 consultative services, [The term "physical therapy"] but does not
14 include surgery, the prescribing of drugs, the development of a
15 medical diagnosis of disease, injury or illness, the use of cauterization
16 or the use of Roentgen rays or radium for diagnostic or therapeutic
17 purposes.

18 Sec. 2. Subdivision (2) of section 20-66 of the general statutes, as
19 amended by section 12 of public act 00-226, is repealed and the
20 following is substituted in lieu thereof (*Effective the later of October 1,*

21 2000, or the date notice is published by the Commissioner of Public Health in
22 the Connecticut Law Journal indicating that the licensing of athletic trainers
23 and physical therapist assistants is being implemented by the commissioner):

24 (2) "Physical therapy" means the evaluation and treatment of any
25 person by the employment of the effective properties of physical
26 measures, the performance of tests and measurements as an aid to
27 evaluation of function and the use of therapeutic exercises and
28 rehabilitative procedures, with or without assistive devices, for the
29 purpose of preventing, correcting or alleviating a physical or mental
30 disability. "Physical therapy" includes the establishment and
31 modification of physical therapy programs, treatment planning,
32 instruction, wellness care, peer review and consultative services, but
33 does not include surgery, the prescribing of drugs, the development of
34 a medical diagnosis of disease, injury or illness, the use of cauterization
35 or the use of Roentgen rays or radium for diagnostic or therapeutic
36 purposes.

37 Sec. 3. Subdivision (2) of subsection (a) of section 20-73 of the
38 general statutes is repealed and the following is substituted in lieu
39 thereof (*Effective October 1, 2005*):

40 (2) (A) The treatment of human ailments by physical therapy shall
41 only be performed by a person licensed under the provisions of this
42 chapter as a physical therapist. Except as otherwise provided in
43 subparagraph (B) of this subdivision, such treatment may be
44 performed by a licensed physical therapist without an oral or written
45 referral by a person licensed in this state to practice medicine and
46 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
47 advanced practice registered nurse licensed to prescribe in accordance
48 with section 20-94a or a physician assistant licensed to prescribe in
49 accordance with section 20-12d, provided the licensed physical
50 therapist (i) has practiced physical therapy for at least three out of the
51 most recent six years of his or her clinical practice or earned a master's
52 degree or higher in physical therapy from an accredited institution of
53 higher education, (ii) requires any person receiving such treatment to

54 disclose or affirmatively confirm the identity of such person's primary
55 care provider or health care provider of record upon each initial visit
56 for treatment without an oral or written referral, (iii) provides
57 information to any person seeking such treatment regarding the need
58 to consult with such person's primary care provider or health care
59 provider of record regarding such person's underlying medical
60 condition if the condition is prolonged or does not improve within a
61 thirty-day period, and (iv) refers any person receiving such treatment
62 to an appropriate licensed practitioner of the healing arts if, upon
63 examination or reexamination, the same condition for which the
64 person sought physical therapy does not demonstrate objective,
65 measurable, functional improvement in any period of thirty
66 consecutive days or at the end of six visits, if the visits are within a
67 period of thirty consecutive days.

68 (B) In any case in which the licensed physical therapist does not
69 meet the standards set forth in subparagraph (A) of this subdivision
70 for treatment without a referral, such treatment shall only be
71 performed upon the oral or written referral of a person licensed in this
72 state or in a [bordering] state having licensing requirements meeting
73 the approval of the appropriate examining board in this state to
74 practice medicine and surgery, podiatry, natureopathy, chiropractic or
75 dentistry, or an advanced practice registered nurse licensed to
76 prescribe in accordance with section 20-94a or a physician assistant
77 licensed to prescribe in accordance with section 20-12d. Nothing in this
78 section shall prevent a physical therapist from providing wellness care
79 within the scope of physical therapy practice to asymptomatic persons
80 without a referral. Nothing in this section shall require an employer or
81 insurer to pay for such wellness care.

82 Sec. 4. Subsection (b) of section 20-73 of the general statutes, as
83 amended by section 15 of public act 00-226, is repealed and the
84 following is substituted in lieu thereof (*Effective the later of October 1,*
85 *2000, or the date notice is published by the Commissioner of Public Health in*
86 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
87 *and physical therapist assistants is being implemented by the commissioner):*

88 (b) (1) The treatment of human ailments by physical therapy shall
89 only be performed by a person licensed under the provisions of this
90 chapter as a physical therapist or physical therapist assistant. Except as
91 otherwise provided in subdivision (2) of this subsection, such
92 treatment may be performed by a licensed physical therapist without
93 an oral or written referral by a person licensed in this state to practice
94 medicine and surgery, podiatry, natureopathy, chiropractic or
95 dentistry, or an advanced practice registered nurse licensed to
96 prescribe in accordance with section 20-94a or a physician assistant
97 licensed to prescribe in accordance with section 20-12d, provided the
98 licensed physical therapist (A) has practiced physical therapy for at
99 least three out of the most recent six years of his or her clinical practice
100 or earned a master's degree or higher in physical therapy from an
101 accredited institution of higher education, (B) requires any person
102 receiving such treatment to disclose or affirmatively confirm the
103 identity of such person's primary care provider or health care provider
104 of record upon each initial visit for treatment without an oral or
105 written referral, (C) provides information to any person seeking such
106 treatment regarding the need to consult with such person's primary
107 care provider or health care provider of record regarding such person's
108 underlying medical condition if the condition is prolonged or does not
109 improve within a thirty-day period, and (D) refers any person
110 receiving such treatment to an appropriate licensed practitioner of the
111 healing arts if, upon examination or reexamination, the same condition
112 for which the person sought physical therapy does not demonstrate
113 objective, measurable, functional improvement in any period of thirty
114 consecutive days or at the end of six visits, if the visits are within a
115 period of thirty consecutive days.

116 (2) In any case in which the licensed physical therapist does not
117 meet the standards set forth in subdivision (1) of this subsection for
118 treatment without a referral, such treatment shall only be performed
119 upon the oral or written referral of a person licensed in this state, or in
120 a [bordering] state having licensing requirements meeting the
121 approval of the appropriate examining board in this state, to practice

122 medicine and surgery, podiatry, natureopathy, chiropractic or
123 dentistry, or an advanced practice registered nurse licensed to
124 prescribe in accordance with section 20-94a or a physician assistant
125 licensed to prescribe in accordance with section 20-12d. Nothing in this
126 section shall prevent a physical therapist from providing wellness care
127 within the scope of physical therapy practice to asymptomatic persons
128 without a referral. Nothing in this section shall require an employer or
129 insurer to pay for such wellness care.

130 Sec. 5. Section 20-73a of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2005*):

132 (a) The Board of Examiners for Physical Therapists shall have
133 jurisdiction to hear all charges of conduct that fails to conform to the
134 accepted standards of the practice of physical therapy brought against
135 any person licensed as a physical therapist and, after holding a
136 hearing, written notice of which shall be given the person complained
137 of, said board, if it finds such person to be guilty, may revoke or
138 suspend such person's license or take any of the actions set forth in
139 section 19a-17. Any proceedings relative to such action may be begun
140 by the filing of written charges with the Commissioner of Public
141 Health. The causes for which such action may be taken are as follows:
142 (1) Conviction in a court of competent jurisdiction, either within or
143 without this state, of any crime in the practice of his or her profession;
144 (2) illegal, incompetent or negligent conduct in the practice of physical
145 therapy or in the supervision of a physical therapist assistant; (3)
146 aiding or abetting the unlawful practice of physical therapy; (4)
147 treating human ailments by physical therapy without the oral or
148 written referral by a person licensed in this state or in a [bordering]
149 state having licensing requirements meeting the approval of the
150 appropriate examining board in this state to practice medicine and
151 surgery, podiatry, natureopathy, chiropractic or dentistry if such
152 referral is required pursuant to section 20-73, as amended by this act;
153 (5) failure to register with the Department of Public Health as required
154 by law; (6) fraud or deception in obtaining a license; (7) engaging in
155 fraud or material deception in the course of professional services or

156 activities; (8) failure to comply with the continuing education
157 requirements of section 20-73b, as amended by this act; or (9) violation
158 of any provision of this chapter, or any regulation adopted [hereunder]
159 under this chapter.

160 (b) The clerk of any court in this state in which a person practicing
161 physical therapy has been convicted of any crime as described in this
162 section shall, immediately after such conviction, transmit a certified
163 copy, in duplicate, of the information and judgment, without charge,
164 to the Department of Public Health, containing the name and address
165 of the physical therapist, the crime of which he has been convicted and
166 the date of conviction. The hearing on such charges shall be conducted
167 in accordance with the regulations adopted by the Commissioner of
168 Public Health. Any person aggrieved by a final decision of said board
169 may appeal [therefrom] from the decision as provided in section 4-183.
170 Such appeal shall have precedence over nonprivileged cases in respect
171 to order of trial. The Attorney General shall act as attorney in the
172 public interest in defending against such an appeal. The board may
173 petition the superior court for the judicial district of Hartford to
174 enforce any action taken pursuant to section 19a-17.

175 Sec. 6. Section 20-73a of the general statutes, as amended by section
176 16 of public act 00-226, is repealed and the following is substituted in
177 lieu thereof (*Effective the later of October 1, 2000, or the date notice is*
178 *published by the Commissioner of Public Health in the Connecticut Law*
179 *Journal indicating that the licensing of athletic trainers and physical therapist*
180 *assistants is being implemented by the commissioner):*

181 (a) The Board of Examiners for Physical Therapists shall have
182 jurisdiction to hear all charges of conduct that fails to conform to the
183 accepted standards of the practice of physical therapy brought against
184 any person licensed as a physical therapist or physical therapist
185 assistant and, after holding a hearing, written notice of which shall be
186 given to the person complained of, the board, if it finds such person to
187 be guilty, may revoke or suspend such person's license or take any of
188 the actions set forth in section 19a-17. Any proceedings relative to such

189 action may be begun by the filing of written charges with the
190 Commissioner of Public Health. The causes for which such action may
191 be taken are as follows: (1) Conviction in a court of competent
192 jurisdiction, either within or without this state, of any crime in the
193 practice of such person's profession; (2) illegal, incompetent or
194 negligent conduct in the practice of physical therapy or in the
195 supervision of a physical therapist assistant; (3) aiding or abetting the
196 unlawful practice of physical therapy; (4) treating human ailments by
197 physical therapy without the oral or written referral by a person
198 licensed in this state or in a [bordering] state having licensing
199 requirements meeting the approval of the appropriate examining
200 board in this state to practice medicine and surgery, podiatry,
201 natureopathy, chiropractic or dentistry if such referral is required
202 pursuant to section 20-73, as amended by this act; (5) failure to register
203 with the Department of Public Health as required by law; (6) fraud or
204 deception in obtaining a license; (7) engaging in fraud or material
205 deception in the course of professional services or activities; [or] (8)
206 failure to comply with the continuing education requirements of
207 section 7 of this act; or (9) violation of any provision of this chapter, or
208 any regulation adopted under this chapter.

209 (b) The clerk of any court in this state in which a person practicing
210 physical therapy has been convicted of any crime as described in this
211 section shall, immediately after such conviction, transmit a certified
212 copy, in duplicate, of the information and judgment, without charge,
213 to the Department of Public Health, containing the name and address
214 of the physical therapist or physical therapist assistant, the crime of
215 which the physical therapist or physical therapist assistant has been
216 convicted and the date of conviction. The hearing on such charges shall
217 be conducted in accordance with the regulations adopted by the
218 Commissioner of Public Health in accordance with chapter 54. Any
219 person aggrieved by a final decision of the board may appeal
220 [therefrom] from the decision as provided in section 4-183. Such appeal
221 shall have precedence over nonprivileged cases in respect to order of
222 trial. The Attorney General shall act as attorney in the public interest in

223 defending against such an appeal. The board may petition the superior
224 court for the judicial district of Hartford to enforce any action taken
225 pursuant to section 19a-17.

226 Sec. 7. Section 20-73b of the general statutes is repealed and the
227 following is substituted in lieu thereof (*Effective October 1, 2005*):

228 (a) [Each] Except as otherwise provided in this section, each
229 physical therapist licensed pursuant to this chapter shall complete a
230 minimum of twenty hours of continuing education during each
231 registration period. For purposes of this section, registration period
232 means the twelve-month period for which a license has been renewed
233 in accordance with section 19a-88 and is current and valid. The
234 continuing education shall be in areas related to the individual's
235 practice. Qualifying continuing education activities include, but are
236 not limited to, courses offered or approved by the Connecticut Physical
237 Therapy Association.

238 (b) Each licensee shall obtain a certificate of completion from the
239 provider of continuing education activities for all continuing education
240 hours successfully completed. Each licensee shall maintain such
241 written documentation for a minimum of three years following the
242 license renewal date for which the activity satisfies continuing
243 education requirements. Certificates of completion shall be submitted
244 by the licensee to the Department of Public Health [upon the
245 department's request] not later than forty-five days after a request by
246 said department for such certificates. A licensee who fails to comply
247 with the continuing education requirements may be subject to
248 disciplinary action pursuant to section 20-73a.

249 (c) The continuing education requirements shall be waived for
250 licensees applying for licensure renewal for the first time. The
251 department may, for a licensee who has a medical disability or illness,
252 grant a waiver of the continuing education requirements [for a specific
253 period of time] or may grant the licensee an extension of time in which
254 to fulfill the requirements, provided the licensee submits to the

255 Department of Public Health an application for waiver or extension of
 256 time on a form prescribed by said department, along with a
 257 certification by a licensed physician of the disability or illness and such
 258 other documentation as may be required by said department. The
 259 Department of Public Health may grant a waiver or extension for a
 260 period not to exceed one registration period, except that said
 261 department may grant additional waivers or extensions if the medical
 262 disability or illness upon which a waiver or extension is granted
 263 continues beyond the period of the waiver or extension and the
 264 licensee applies to said department for an additional waiver or
 265 extension.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	20-66(2)
Sec. 2	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-66(2)
Sec. 3	<i>October 1, 2005</i>	20-73(a)(2)

Sec. 4	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-73(b)
Sec. 5	<i>October 1, 2005</i>	20-73a
Sec. 6	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-73a
Sec. 7	<i>October 1, 2005</i>	20-73b

PH *Joint Favorable Subst.*

JUD *Joint Favorable*